

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

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In re

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO *et al.*,

Debtors.¹

: PROMESA
: Title III
: Case No. 17-BK-3283 (LTS)
: (Jointly Administered)

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**COFINA AGENT'S URGENT MOTION TO
EXPEDITE CONSIDERATION OF COFINA AGENT'S URGENT MOTION TO
COMPEL THE PUERTO RICO DEPARTMENT OF TREASURY TO
COMPLY WITH THE ORDERS SETTING PROCEDURES FOR INTERIM
COMPENSATION AND REIMBURSEMENT OF EXPENSES OF PROFESSIONALS**

Bettina M. Whyte (the “COFINA Agent”), in her capacity as the appointed agent of the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as representative of the Puerto Rico Sales Tax Financing Corporation (“COFINA”), respectfully submits this urgent motion (the “Motion to Expedite”) requesting entry of an order, substantially in the form attached hereto as Exhibit A (the “Proposed Order”), (i) providing for expedited briefing of the *COFINA Agent's Urgent Motion to Compel the Puerto Rico Department of Treasury to Comply with the Orders Setting Procedures for Interim Compensation and Reimbursement of Expenses of Professionals* (the “Motion to Compel”), filed contemporaneously

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747).

herewith, and (ii) setting the hearing for the Motion to Compel to be the omnibus hearing scheduled for July 25, 2018 at 9:30 a.m. (AST) (the “**July Hearing**”). In support of the Motion to Expedite, the COFINA Agent respectfully states:

1. The COFINA Agent requests entry of the Proposed Order, setting the objection deadline for the Motion to Compel for **July 20, 2018 at 12:00 p.m. (AST)**, and setting the reply deadline for the Motion to Compel for **July 22, 2018 at 12:00 p.m. (AST)**. The COFINA Agent respectfully requests that the Court consider the Motion to Compel at the July Hearing.

JURISDICTION AND VENUE

2. The United States District Court for the District of Puerto Rico has subject matter jurisdiction over this matter pursuant to section 306(a) of PROMESA. Venue is proper pursuant to section 307(a) of PROMESA.

3. The statutory bases for relief requested herein are section 105(a) of the Bankruptcy Code and Bankruptcy Rule 9006, made applicable to the title III cases by sections 301(a) and 310 of PROMESA, Rule 9013-1 of the Local Bankruptcy Rules for the United States Bankruptcy Court for the District of Puerto Rico (the “**Local Rules**”), and the Fourth Amended Notice, Case Management and Administrative Procedures Order [Docket No. 2839].

BASIS FOR RELIEF REQUESTED

4. Bankruptcy Rule 9006(c)(1) provides that “the court for cause shown may in its discretion with or without motion or notice order the period [for notice] reduced.” Further, Local Rule 9013-1(a) allows a party to request that a court “consider a motion on an expedited basis.” Urgent consideration of the Motion to Compel is warranted in the interest of judicial economy, especially in light of the Retiree Committee’s *Urgent Motion to Compel the Puerto Rico Department of Treasury to Comply with the First and Second Amended Orders Setting Procedures for Interim Compensation and Reimbursement of Expenses of Professionals* [Docket No. 3513],

which requests similar relief and, pursuant to a scheduling order entered by the Court [Docket No. 3518], will have the same briefing schedule proposed above and will be considered by the Court at the July Hearing.

NOTICE

5. Prior notice of the relief requested by this Motion to Expedite was provided to counsel to Hacienda, but as of the filing of this motion the COFINA Agent had not yet received a response.

NO PRIOR REQUEST

6. No previous request for the relief sought herein has been made by the COFINA Agent to this or any other court.

CONCLUSION

For the foregoing reasons, the COFINA Agent respectfully requests that this Court enter the Proposed Order expediting consideration of the Motion to Compel.

Dated: July 16, 2018
New York, New York

By: /s/ Joseph G. Minias
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*Special Municipal Bankruptcy Counsel
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Respectfully submitted,

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EXHIBIT A

Proposed Order

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO, : PROMESA
as representative of : Title III
: Case No. 17-BK-3283 (LTS)
THE COMMONWEALTH OF PUERTO RICO *et al.*, : (Jointly Administered)

Debtors.¹

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**ORDER GRANTING COFINA AGENT'S URGENT MOTION TO
EXPEDITE CONSIDERATION OF COFINA AGENT'S URGENT MOTION TO
COMPEL THE PUERTO RICO DEPARTMENT OF TREASURY TO
COMPLY WITH THE ORDERS SETTING PROCEDURES FOR INTERIM
COMPENSATION AND REIMBURSEMENT OF EXPENSES OF PROFESSIONALS**

Upon consideration of the *COFINA Agent's Urgent Motion to Expedite Consideration of COFINA Agent's Urgent Motion to Compel the Puerto Rico Department of Treasury to Comply with the Orders Setting Procedures for Interim Compensation and Reimbursement of Expenses of Professionals* (the "**Motion to Expedite**"²), the Court hereby FINDS AND DETERMINES that

(i) the Court has jurisdiction to consider the Motion to Expedite and the relief requested therein pursuant to section 306 of PROMESA; (ii) venue is proper before this Court pursuant to section 307(a) of PROMESA; (iii) cause exists to shorten the notice period as requested in the Motion to

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² Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion to Expedite.

Expedite; and (iv) due and proper notice of the Motion to Expedite has been provided under the particular circumstances and no other or further notice need be provided. Accordingly, it is hereby ORDERED THAT:

1. The Motion to Expedite is GRANTED as set forth herein.
2. Objections or responses, if any, to the Motion to Compel must be filed and served (in accordance with the Fourth Amended Case Management Procedures Order) by **12:00 p.m. (Atlantic Standard Time) on Friday, July 20, 2018.**
3. Any reply in support of the Motion to Compel must be filed and served (in accordance with the Fourth Amended Case Management Procedures Order) by **12:00 p.m. (Atlantic Standard Time) on Sunday, July 22, 2018.**
4. This Court will thereafter consider the Motion to Compel at the omnibus hearing on **July 25, 2018 at 9:30 a.m. (Atlantic Standard Time).**
5. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.
6. The Court retains jurisdiction over any disputes relating to the interpretation or implementation of this Order.

Dated: July __, 2018

LAURA TAYLOR SWAIN
United States District Judge